

REGULAR MEETING OCTOBER 7, 2014: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, October 7, 2014 at 4:00 p.m.

PRESENT: City Manager Jeff Mikorski, Assistant City Manager Glen Kelly, and City Attorney Steve Fanok, City Clerk Linda Little, Mayor Selin, Deputy Mayor Marti Shamberger and Council Members: Ron Bane, Wes Nugent, Mike Fike, and Nancy Ganz. (Bill Kawecki Absent)

The Meeting was called to order by Mayor Selin.

Mayor Selin explained that due to a meeting for the Free Flow Power hydropower project this evening at the Hilton Garden Inn at 7pm; so we have a time limitation this evening.

Mayor Selin announced that Items C under Public Hearing Notice and Unfinished Business on the Agenda this evening be withdrawn until the next agenda per Councilor Kawecki's request to revamp Ordinance.

APPROVAL OF MINUTES: The minutes of the regular meeting of September 16, 2014, were approved as printed.

CORRESPONDENCE: Mayor Selin read proclamations for Fire Prevention Week and General Aviation Appreciation Month.

PUBLIC HEARING - AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION OF 13.40 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF MORGANTOWN BY ORDINANCE 14-18 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING – AN ORDINANCE AMENDING FY 2014-2015 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

There being no appearances, Mayor Selin declared the Public Hearing closed.

PUBLIC HEARING –AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW ARTICLE 160 TO ITS ADMINISTRATIVE CODE CREATING A MORGANTOWN HOUSING ADVISORY COMMISSION.

This Public Hearing was withdrawn per the Mayor.

UNFINISHED BUSINESS:

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION OF 13.40 ACRES:
The below entitled Ordinance was presented for second reading.

AN ORDINANCE TO PROVIDE THE ZONING CLASSIFICATION OF 13.40 ACRES, MORE OR LESS, OF ADDITIONAL TERRITORY THAT WAS ANNEXED INTO THE CITY OF

MORGANTOWN BY ORDINANCE 14-18 BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

City Manager explained the purpose of the Zoning Ordinance. After discussion, motion by Ganz, second by Shamberger, to adopt the above entitled Ordinance. Motion carried 6-0.

AN ORDINANCE AMENDING FY 2014-2015 GENERAL FUND BUDGET: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING FY 2014-2015 ANNUAL BUDGET OF THE CITY OF MORGANTOWN AS SHOWN IN THE REVISED BUDGET ATTACHED HERETO AND MADE PART OF THIS ORDINANCE AS THE SAME APPLIES TO THE GENERAL FUND.

City Manager noted that this is a modification of the budget. Motion by Bane, second by Nugent, to adopt the above entitled Ordinance. Motion carried 6-0.

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW ARTICLE 160 TO ITS ADMINISTRATIVE CODE: The below entitled Ordinance was presented for second reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN ADDING A NEW ARTICLE 160 TO ITS ADMINISTRATIVE CODE CREATING A MORGANTOWN HOUSING ADVISORY COMMISSION. This Ordinance was withdrawn per the Mayor.

Councilor Bane mentioned concern on the procedure of taking this Ordinance off the Agenda this way. He noted that Council has never done this before. Councilor Nugent commented that there is a process to follow. City Manager explained that Councilor Kawecky had some minor modifications to make and requested that it be held up until the next Regular Council meeting. Councilor Nugent moved to postpone Public Hearing C and Unfinished Business C on the agenda to consider amendments and adoption of Article 169 at the next Regular Meeting. Second by Bane. After discussion, motion carried 6-0.

BOARDS AND COMMISSIONS: The City Clerk reminded Council of the openings pending on various Boards.

PUBLIC PORTION:

Mayor Selin welcomed the WVU Political Science Class and Journalism class to the City Council meeting.

James Giuliani, 256 Prarie Avenue, thanked Council for considering the TIF legislation for Willey and Richwood. He mentioned a building in First Ward that is being built on Prairie and South High that he feels is not in compliance. He noted that he was in a meeting with WVU Representatives and found out that the Private Developers are willing to pay B&O; Fire Fees. He stated this is a real positive and the City should really look into this new development, and would be glad to help.

Dave Biafora, 6200 Mid-Atlantic Drive, noted that what Mr. Giuliani mentioned is the City billing B&O; Fire Fees to WVU Developers; that is what our law-suit is about. He stated that the City needs money to run the City for more services; whether the dollars come from Private Developer or Home Rule. He stated that it is too bad that we have to use our dollars to sue the City to do their job. He

suggested that the City needs to bill Private Developers for most people are not going to pay unless they are billed. He asked the City Manager on Property Tax I do believe the City gets around 10 percent? City Manager responded in stating, "Yes", around that percentage. He commented that other Cities are doing well financially this City should be also; but you must follow the rules and I am not going away any time soon. He brought up that the VFW project is a problem the building is to big; the City has lots of issues and needs to start playing right.

Dave Hopkinson, 313 Morgan Lane, Coopers Rock Foundation, presented to Council an amended Resolution and asked for their approval. He noted that the changes are in bold face on the second page of the Resolution He also stated the real reason to support this Resolution is for the health and quality of life and preservation of forestry.

SPECIAL COMMITTEE REPORTS: Councilor Ganz reported that she was part of a WVU committee related to the Tailgating at Van Voorhis the City Police, WVU Police and property owners came to a resolution. She stated that West Virginia University place more trash receptacles and more porta johns, Chief Ed Preston talked to property owners about doing the same. WVU worked with Fraternities and Sororities as well as other Student Life Groups to remind them of the legality of their behavior; and to act responsibly.

NEW BUSINESS:

AN ORDINANCE AMENDING LEASE AGREEMENT BETWEEN CITY AND MERKOL AT AIRPORT: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING A LEASE AGREEMENT BY AND BETWEEN THE CITY OF MORGANTOWN (LESSOR) AND MERKOL, INC., (LESSEE) REGARDING RESTAURANT SPACE LOCATED AT THE MORGANTOWN MUNICIPAL AIRPORT.

After explanation from City Manager, motion by Shamberger, second by Bane, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AMENDING 925.03 SETTING FORTH RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY: The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING SECTION 925.03 OF THE CITY OF MORGANTOWN'S STREETS, UTILITIES AND PUBLIC SERVICES CODE BY SETTING FORTH THE RATES, FEES AND CHARGES FOR SERVICE TO CUSTOMERS OF THE SEWERAGE SYSTEM OF THE CITY OF MORGANTOWN.

After explanation from City Manager Council suspended the rules to have Tim Ball, MUB Director, explain ordinance and answer questions. Motion by Nugent, second by Shamberger. Motion carried 6-0.

AN ORDINANCE AMENDING SECTIONS 923.06 & 923.13 REGARDING INDUSTRIAL WASTES. The below entitled Ordinance was presented for first reading.

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTIONS 923.06 AND 923.13 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE, AS THE SAME APPLIES TO INDUSTRIAL WASTES DISCHARGED INTO THE SEWER SYSTEM AND ANCILLARY SERVICES REGARDING INDUSTRIAL WASTES.

After explanation from City Manager. Motion by Nugent, second by Bane, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE AMENDING ARTICLE 1329.02.The below entitled Ordinance was presented for first reading.

AN ORDINANCE AMENDING ARTICLE 1329.02 “DEFINITION OF TERMS” OF THE PLANNING AND ZONING CODE AS IT PERTAINS TO “OVERLAY DISTRICT.”

After explanation from City Manager, Council suspended the rules to have the City Planner Chris Fletcher give more explanation of ordinance and answer questions. Motion by Shamberger, second by Fike, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

AN ORDINANCE TO CREATE AN “AIRPORT OVERLAY DISTRICT”. The below entitled Ordinance was presented for first reading.

AN ORDINANCE TO CREATE AN “AIRPORT OVERLAY DISTRICT” THAT CONSIDERS SAFETY ISSUES AROUND THE MORGANTOWN MUNICIPAL AIRPORT (MGW) TO INCLUDE: RESTRICTING HEIGHTS OF ESTABLISHED USES, CONSTRUCTED STRUCTURES AND OBJECT OF NATURAL GROWTH WITH SAID OVERLAY DISTRICT; AND AMENDING THE OFFICIAL ZONING MAP BY ADOPTING AN OFFICIAL SUPPLEMENTARY AIRPORT OVERLAY DISTRICT ZONING MAP.

Motion by Shamberger, second by Ganz, to pass the above entitled Ordinance to second reading. Motion carried 6-0.

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE WV DIVISION OF MOTOR VEHICLES FOR GRANT FUNDS TO ENFORCE THE DUI AND UNDERAGE DRINKING LAWS OF OUR STATE. The above entitled Resolution was presented for approval.

After explanation from City Manager, motion by Shamberger, second by Ganz, to adopt the above entitled Resolution. Motion carried 6-0.

RESOLUTION IN SUPPORT OF RECREATION WITHIN THE FORKS OF SCOTT RUN-PISGAH PROJECT AT COOPERS ROCK STATE FOREST. The above entitled Resolution was presented for approval.

Motion by Ganz, second by Shamberger, to adopt the above entitled Resolution. Motion carried 6-0.

RESOLUTION TO BE KNOWN AND DESIGNATED AS THE “CITY OF MORGANTOWN REDEVELOPMENT DISTRICT NO. 4” (THE “TIF DISTRICT”), WHICH WILL BE SUBJECT TO A PUBLIC HEARING AND OTHER REQUIRED ACTIONS, THAT THE CITY WILL CONSIDER FOR APPROVAL THE TIF APPLICATION FOR THE CREATION OF THE TIF DISTRICT AND APPROVAL OF THE PROJECT PLAN(THE APPLICATION) AND, IF APPROVED, SUBMIT THE APPLICATION TO THE WV DEVELOPMENT OFFICE FOR CONSIDERATION AND OBTAIN ALL OTHER NECESSARY APPROVALS. The above entitled Resolution was presented for approval.

After discussion, motion by Shamberger, second by Fike, to adopt the above entitled Ordinance to second reading. Motion carried 6-0.

CITY MANAGER'S REPORT:

INFORMATION:

1. Edward Byrne Memorial Justice Assistance Grant

City Manager informed Council that the Police Department was awarded a \$21,000 FY 14 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase personnel protection equipment for Police Officers. I appreciate the actions of the Police Department in looking and applying for grants to supplement funding of the department.

2. Selection of City Auditor

City Manager reported that the Audit Selection Committee rated and scored all applicants that provided proposal to perform the City Audit, and selected Tetrick & Bartlett, PLLC for the audit of financial statement for the year ending June 30, 2014.

3. Update on Projects

City Manager updated Council on the work Public Works Department repaired the stairs on North High Street and in reference to the Greenmont Pedestrian Bridge will be working with the DOH in developing a Scoping Meeting.

NEW BUSINESS:

1. Airport Supplemental Funding

Mr. Mikorski proposed to supplement Morgantown Airport by \$50,000 from the City's contingency fund and also recommended some ideas to increase enplanements to meet the 10,000 enplanement goal.

By consensus, Council agreed to supplement the Morgantown Airport by \$50,000.

REPORT FROM CITY CLERK: City Clerk, Linda Little, updated Council on two liquor license applications. Tin 202 located at 202 High Street and DOS Bros Cantina located at 350 High Street.

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

No Report

Councilor Kaweck:

Absent.

Councilor Nugent:

Councilor Nugent asked the City Manager if there was any update on the pedestrian

crosswalk at Fayette and Beechurst. The City manager noted that DOH is looking into how it can be more proficient and also a timeline of when that will happen. Councilor Nugent also inquired about the Don Knotts Star. He also encouraged the public to stop by the museum at 175 Kirk Street to take a look at the sports memorabilia from the surrounding schools. Councilor Nugent hopes that the open door policy continues with WVU in regards to the growth, traffic, and transportation in Morgantown. He also feels that the City is behind lacking communication with the public in regards to the Home Rule program. He feels the City should be communicating with the public in an open transparent fashion that informs the residents about the goals and aspirations for the City.

Councilor Shamberger:

Councilor Shamberger stated that she was excited about the Home Rule Program and noted that we need to be mindful that there is another part to it. She thanked all the friends at Woodburn that helped with the big cleanup. She also mentioned that the Safe Communities group is in the process of establishing work groups that will study different outlets in regards to safety issues. Councilor Shamberger also noted that they will be sending applications to seventh graders to compete in the West Virginia Municipal League competition. She also noted that there is a link on the BOPARC website in regards to opinions on a new recreation facility in Morgantown.

Councilor Fike:

Councilor Fike stated that the American Institute of Economic Research designated Morgantown as number 16 in the top 20 of college towns in the United States and was excited that they recognized the City on the resources we have to offer not the university. He noted we should be proud of this recognition.

Councilor Ganz:

Councilor Ganz announced that the Suncrest Neighborhood Association Meeting will be rescheduled to October 23rd at the Calvary Baptist Church. She noted that Damien Davis, City Engineer, Interim Public Works Director, will be there to talk about cut through streets. Councilor Ganz also clarified on how Fire Services are funded. She also thanked President

Gee for announcing that one of his President Leadership goals is to commit to our community. Councilor Ganz noted that she is looking forward to opportunities to meet with President Gee and staff and also commit to resolving some of the unintended consequences of growth.

Mayor Selin:

Mayor Selin stated that 600 people showed up Sunday at the Botanical Garden which hosted the Fall Children's Festival. She announced that there was a MAC Art show currently in progress and encouraged the public to attend and also mention the History Museum Exhibit "Hometown Exhibit". She noted the subject of public participation in the aspect as having our citizen's part of the decision making; and mentioned the Free Flow Hydro Power Plant meeting this evening at 7pm. She then reminded Council of the Greenbag Road Corridor Meeting at Marilla on 10-14 from 4 pm to 7pm.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 5:20 p.m.

City Clerk

Mayor

***A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.**